

## **REMARKS**

### ***Information from Related Litigation***

On December 19, 2006, Candela Corporation (“Candela”) filed a Complaint and Jury Demand, in the United States District Court, Eastern District of Texas (Civil Action No. 9:06-cv-00277) alleging that Palomar Medical Technologies, Inc. (“Palomar”) infringes certain patents owned by Candela by making, offering for sale and selling medical laser devices. The patents at issue include U.S. Patent Nos. 5,810,801; 6,120,497; and 6,659,999. The above-identified patent application (U.S.S.N. 10/698,970) is a continuation application of these aforementioned U.S. Patents. Applicants submit herewith an Information Disclosure Statement to make of record information from the litigation.

### ***In the Claims***

Claims 16-45 are cancelled. Claims 46-53 are new. Support for the amendments can be found in the specification as originally filed. After entry of this Amendment and Response, claims 46-53 will be pending and under consideration. Applicants respectfully submit that new claims 46-53 are patentable over the prior art.

### ***Rejections Under 35 U.S.C. § 103(a)***

#### ***Rejections over Tankovich and Eckhouse***

Claims 16-37 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,897,549 to Tankovich (“Tankovich”) in view of U.S. Patent No. 5,964,749 to Eckhouse et al. (“Eckhouse”).

Applicants cancelled claims 16-45. Therefore, the rejection of claims 16-37 is now moot.

#### ***Rejections over Tankovich, Eckhouse, and Sand***

Claims 38-45 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Tankovich in view of Eckhouse, and further in view of U.S. Patent No. 4,976,709 to Sand (“Sand”).

Applicants cancelled claims 38-45. Therefore, the rejection of claims 38-45 is

now moot.

**CONCLUSION**

Applicants respectfully submit that claims 46-53 are in condition for allowance and request early favorable action. If the Examiner believes a telephonic interview would expedite the prosecution of the present application, the Examiner is welcome to contact Applicants' Attorney at the number below.

Respectfully submitted,

Date: January 18, 2008  
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